

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Brian T. Roberts,) Case No. 6:23-cv-06243-JDA
)
Plaintiff,)
)
v.)
)
Dodge Data and Analytics,)
)
Defendant.)
)

)

OPINION AND ORDER

This matter is before the Court on Plaintiff's pro se Complaint [Doc. 1] and a Report and Recommendation ("Report") of the Magistrate Judge [Doc. 19]. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Molly H. Cherry for pre-trial proceedings.

On April 2, 2024, the Magistrate Judge issued an Order and Report directing Plaintiff to provide the Court with proof of service of the Summons and Complaint on Defendant or to present good cause for any failure to serve Defendant. [Doc. 19.] Plaintiff was specifically warned that his "[f]ailure to do so may result in this case being dismissed." [*Id.* at 2.] The Report further recommended that, if Plaintiff failed to provide proof of service or good cause for failing to serve Defendant, the case be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. [*Id.*] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 3.] Plaintiff did not provide proof of service on Defendant, did not present good cause for any failure to

serve Defendant, and did not file objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Accordingly, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Therefore, this action is DISMISSED without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

May 23, 2024
Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.